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# Judgment Signed

I N T H E

# C A U S E

Between the Right Honourable

Sir ROBERT WALPOLE,

A N D

Mr. W H A T L E T ;

B O T H

LOYAL SUBJECTS of the same  
most gracious SOVEREIGN, and  
Co-members of the same Free, Civil,  
Christian Community.

---

————— Servetur ad imum  
*Qualis ab incepto processerit, & sibi* CONSTET.  
H O R.

*Si veretur accuses : non enim parvi auditu æstimabit.  
Sin inverecundum animi ingenium possidet,  
tamen accuses. Non enim Probus est.* C I C.

---

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# P R E F A C E.

**I**F any one, on taking this *Paper* into his Hands, expects a *Libel*, or any *licentious* Expression, contrary to either *Law*, or even *Decency* itself, he expects that which he will not find. But if any one, sensible of the *equal* Privileges of *Fellow-Subjects* in a free State, where the Law has given no express Preference, shall expect a rational, open Maintenance of a *private* Person's Rights, against the exorbitant Power of a *Great Man*, 'tis humbly hoped he will find what he expects. What has passed hitherto in this Cause, has been a sort of *Pleadings* only on both Sides; here I am of *Council* with myself, and plead my Cause in form before the great *Tribunal* I have been obliged to appeal to, "*The PUBLICK.*" The Reader will be disappointed if he thinks what is here, is repeating what has already appeared on the Subject. Nothing is repeated, but what is usual in the hearing of other Causes, where there must be, of Course, Reference made to the previous Pleadings on both Sides; and of these nothing is touch'd on, here, but what is absolutely necessary in Support of the *Argument*. Which will, chiefly, be found to consist in *refuting* every Thing that has been thrown out by either the *Minister's Friends*, or himself, in Derogation of Mr. W, and his Pretensions on him; and when this is done, humbly, tho' peremptorily, insisting on *Reparation* being made him for the *Injury* complain'd of.

If in the *first* Part I shall be found mindful of my own Interests, I hope I shall not be found wholly to have neglected those of my Reader, in the *second*. And it must now be clear that there has been great Injustice done, through the Defect of the *Will*, and not of the *Understanding*, on one Side, or great Injustice suffered, through the Defect of the *Understanding*, and not of the *Will*, on the other. For I think, "to accuse *wrongfully*" is a Fault little inferior to the *deserving* the *Accusation*, if true, even tho' a Man should be so honest as to set his Name to it; for, in that Case, it is a very great Error not to have been better advised. But, however, where an *Accuser* does set his Name to the *Accusation*



# P R E F A C E.

*Accusation*, it ought to be *presumed* he has well weighed his Matter; and it will be in his *Reader* a doing Justice to *himself*, as well as to the Party *appealing*, to weigh, on *his Side*, the Reasons for such Accusation before *he* thinks *otherwise*.

I own myself to be *one of those*, who know not *wherein* consists the *Value* of *Liberty*, without exerting, on Occasion given, the *Privileges* of it. And I shall be glad to find all such as shall do me the Honour to peruse my *Case* (laying aside all *Envy* and *Partiality*, too apt to rise in unguarded Minds) let the same Value on the Blessings they enjoy, as *Englishmen*, by *approving* what I have done in an *Affair*, which I had never interested the Publick in, could I have been silent without doing to myself greater Injustice than I have had done to me. What has been done to me by *another*, was only plain *Murder*; but the neglecting, first or last, of doing myself, on *so interesting* a *Case*, full and *final* Justice, would have been *Suicide* itself.

A *Prime Minister's* Power has been, by Experience, found to be of such a Nature as no one, I believe not the *Great Person* himself, who has been so long honoured with the *Title*, knows the *Bounds* of. --- But, I hope, in endeavouring to let it be seen it may be *control'd* and bounded by a *private* Fellow-Subject, I shall be thought to have made a good *Precedent*, and done a Piece of Service to every *Briton* who deserves the Honour and Happiness of being one.

ROBERT WHATLEY.

Matthew, cap. xviii. ver. 15, 16, 17.

*If thy BROTHER shall trespass against thee, go and tell him his Fault between thee and HIM alone: "If he hear thee, thou hast gained thy Brother: --- But if he will not hear thee, " then take with thee ONE, " or two more," that in the Mouth of two or three Witnesses every Word may be established. --- And if he shall neglect to hear them, " tell it to the Church, (in " a Christian State, The PUBLICK") but if he neglect to hear the Church, --- Let him be unto thee, as an Heathen Man, and a Publican.*



To \* \* \* \* \*

April 8, 1740.

PLEASE, SIR, to give me leave to bring up the Rear of this Winter's civil Campaign with my CONCLUSION of my *Affair* with You.----- I thought any Thing relating to so mean a Person, as *Myself*, unworthy of the *publick Attention*, whilst the great Affairs of the Nation, in Parliament, were under Deliberation : But as these are now drawing, if not already come to a *Period*, I must humbly entreat, that it may be allow'd me to revive the Remembrance in your Mind of the Charge of *Injustice* and *Oppression* I have (with great Reluctance, while any Prospect remained of my being consider'd, on *private Application*, but with the true Spirit, and Resolution, and Liberty of an *Englishman*, when no farther Hopes were left) brought, *publickly*, against you ; and humbly to enquire, " *Why* " I am not more effectually ANSWERED ? or, Why I " am not SATISFIED ?

A Matter of *private Injustice* and *Oppression*, where the *Injury* conceived to have been done, was not of small Moment to the Party injured, cannot be of small Moment to a *Minister*, the supposed *Injurer* ; unless such Minister be as careless of the Honour of his *private Character*, as he may be fond of Excess of Power, in his *publick* one. ----- Dangerous Inducements these, for any Man, wantonly, to deprive a *Fellow-Subject*, in a *free State*, of his *Fortune*, and all the *Glory* of *Life*, and *Character* arising from it. And, I question not, Sir, but the good Sense you still possess, and what *Remains* there are left of that, *once*, generous

Nature that adorn'd you, will not permit you to make *such* Inducements your own, in discharge of the *Accusation* brought against you; but will vouchsafe to give a fair and candid *Answer* to it: ----- Or, if you are not able to do so, "to do me Justice both with " Respect to my original *Debt*, and consequent *Damages* thereon."

You know, *Sir*, well, I have *contested* the *Point* with you with a steady Mind, ever since I had, "by " your own sending for me, by a Lord *High Chancellor* " of the Kingdom," any *Concern* with you. ----- A Matter, *Sir*, may be *long* a *negotiating*, but every Thing must be, one way or other, brought to some *Conclusion* at last. --- We have lately *seen* this in a *greater* Matter, and I hope *You* will as honourably acquit yourself of the *one*, as his MAJESTY has of the *other*.

When there remained no *Remedy* for me, on *private* Application, I did not bring my Cause, *Sir*, before the Publick, "to have the *Injury* done me *aggravated*," (tho' that, unhappily for your Honour, has been the Case) but to have it shewn "I *charg'd* you *wrongly*," or, if not, "to have my *Injury* *redress'd*." The best and the wisest of Men may be mistaken, and it ought to be no Dishonour to such a one to acknowledge on *Proof*, and on *Conviction*, that he had been so, and repair the Injustice. ----- Neither you yourself, *Sir*, nor the most attach'd of your Friends, shall be better pleased to see you *justify* yourself against my *Accusation* than I shall be; ----- but till that be done, may I have *their* and *your* Forgiveness, whilst you are Men, or *Englishmen*, if I stand by myself, and bring the *Matter in Dispute* between us to a *deciding Point*, by a *peremptory Argument*, on what has been advanced, on both Sides, after the many *tedious* Steps, I have been oblig'd to take, from the Influence of ministerial Pomp and State, to come at it.

My *Point*, *Sir*, lay in a very narrow Compass, ----- "in the *Obligation* you took, so deliberately, upon " you, in first sending for me yourself, (acknowledg- " ing you did so) by a Lord *High Chancellor*, and on " what passed between us at *Chelsea*, and your *Pro-*  
ceedings

"ceedings thereon." (a) ----- And *Silence* on such a *Charge* against any *other* would be taken *pro confesso*, in any *Judicature* in the *Kingdom*; or, at least, in the highest *Judicature* on *Earth*, "the *common Sense* of a "free *Publick* appealed to on the *Occasion*."----But, it seems, a *Prime Minister* is not a *common Enemy*; ---- intrench'd in his high *Ground*, his elevated *Station*, a regular *Siege* is to be laid against him, and a thousand *Things* unnecessary in the like *Case* towards an *ordinary Man* must be made use of to reach him. Otherwise, *Sir*, I had had no *Need* to exemplify the *submissive Moderation* I used in applying to you privately, for *Redress* of the "great *Wrong* (I beg *Leave* to say "till you prove the contrary) you have done me," in troubling the *World* with the *Letters* and *Applications* that passed in my *private Endeavours* to obtain it. Much less had I had occasion to *prove* so minutely, as I have done, the *Consideration* I had of *Sir Peter*, the *Lord Chief-Justice*, and the *Lord Chancellor* KING.---- (*Consider, Sir, yourself, and let all your Friends consider, it is not what his Lordship did not do for me, but what he did, what You acknowledged he did, is the Point in issue between us.*) ---- Much less, *Sir*, had I had to do with a meaner *Man*, should I have had the *Injustice* I complain of, so highly aggravated, as to be attempted to be *run down*, by the *Prostitution* of *Honour* and *Dignity* to do it (b). ---- But the *Fool's-Coat* that was endeavoured to be cast on me, have I taken off from my own *Shoulders*, and thrown it on *his*, whose *Shoulders* it much better fitted, in the *Opinion* of all my *Readers* (c) ---- A *Skirt* of it, to my great *Regret*, falling, inadvertently, on your own *most noble Person*, for countenancing and abetting him in so *base* a *Return*, to the *honourable Manner* in which, under the *Weight* of all the *Injustice* I have felt from you, you

(a) See *Short History*. *First Edit.* p. 12, *Second Edit.* p. 11.

(b) See *Verses addressed to the Rev. Mr. Wh. in the Daily Gazetteer*, April 13, 1738.

(c) See *Criticism on the Right Honourable Verses addressed to the Rev. Mr. Wh. in the Daily Gazetteer*, April 13, 1738.

have ever, both publickly and privately, been treated by me. --- It was not, *Sir*, out of any *vain Glory* of my own, that I further made mention (and gave the honourable Evidence I had by me in Proof of it) of that *Distinction* I had paid me in every foreign Court I came to, while I was abroad ; but to obviate --- the *unchristian*, shall I say ? No, *Sir*, that Word would be highly *improper* in this Place, --- the barbarous, the inhuman, the *ignoble* Attempts I had made on my *good Name* ; which, I question not, God and good Men will, in the End, do Justice to, and make appear as bright and as deserving, as Envy, Malice, and Detraction, and slavish Devotion to a *Prime Minister*, would have darken'd and defam'd it. --- These are *necessary* Troubles I have had given to myself, and, had not *such a one* as you, *Sir*, been concerned, very *unnecessary* ones I have been oblig'd to give the World, in a plain and simple Affair, that, such powerful Opposition apart, might, in a Word, have been set in so clear a Light, as every unbiass'd Mind would, at once, been capable of forming a Judgment of.

All this is now over ; and I beg I may have Leave, here, to *sum up* my *Accusation* against you, in this *final* Address : “ To state anew, in short, the *Point*, “ and only Point between us ; to take a short Notice of “ what has been thrown out, in *answer* to it, by your- “ *self* or *Agents* ; and when I have clearly and unde- “ niably *refuted* the *Pertinency* of it, humbly to en- “ quire into whatever *Exemption* you can pretend to “ for not honouring your Prince, our common *Sove-* “ *reign*, and the *Publick*, we jointly belong to, so far, “ as either more solidly to *answer* my *Charge*, or, if “ you cannot do that, for not *satisfying* me in the high “ Injustice complain'd of, as far as you are able.” --- I say, *Sir*, as far as you are able, for it is not in your Power, with your whole Estate, to make me amends for so great a Violation of my Fortune, in its Consequences to my Character and Distinction in Life ; thro' so many Years of the prime Part of it, by giving Oc- casion, at first, for my *Complaint* against you.



“ IF a *Prime Minister’s* sending for a *Person*, by  
 “ a *Lord Chancellor* himself (*for I must repeat it*) and  
 “ acknowledging he did so; if on a private deliberate  
 “ Audience, and State of the Reasons of his having  
 “ done so ---- That it was to acknowledge himself  
 “ obliged to give to such *Person*, so sent for, the *Lord*  
 “ *Chancellor’s Friend*, as good a Thing as his own  
 “ Daughter-in-Law’s *Trustee*, by such *Minister’s* own  
 “ Acknowledgment, had given to him by his Lordship,  
 “ at his Request: ---- If such good Things not readily  
 “ falling to discharge such Obligation at the Time  
 “ by himself appointed, his giving such *Person* the  
 “ Value of it for one Year in Money, and promising,  
 “ both to a *Lord Chancellor*, and to himself, to con-  
 “ tinue so to do till a *Place* of like Value fell:” --- If  
 all this does not infer *Obligation*, I humbly desire to be  
 informed what either can, or does?

My *Case*, at first, was treated only as a common minis-  
 terial Promise; but it was soon found, that the Matter  
 complain’d of was too flagrant to rely on so weak a Sup-  
 port against the Injustice complain’d of, in so distinct  
 and so peremptory an *Accusation*. This *Salvo*, Sir,  
 therefore, for your Honour, was soon surrendered.---The  
 next Thing urged in your Favour was, that, truly,  
 650 l. was an *Equivalent* for 300 l. a Year, under such  
*Contingencies*. ---- O glorious Privilege to be a *Prime*  
*Minister*! In what other Cause, or in Relation to  
 what other Person in the World, could such a Thing  
 have been advanced? when it had appear’d, “ that the  
 “ *Lord Chancellor KING* had held the Seals eight  
 “ Years and a half, and the *Prime Minister’s* Daugh-  
 “ ter-in-Law’s *Trustee* had been all that Time in Pos-  
 “ session of his 300 l. a Year from the *Lord Chancellor*,  
 “ and even advanced to a better Provision under his  
 “ Lordship for Life.” ---- (*And why Mr. W. might*  
*not be presumed to have been capable of the good*  
*Fortune of bettering his Provision, had he been in*  
*Possession of it under such Protection, during that*  
*Time, likewise, I believe must be hard to say.*) ---- But  
 this Defence was soon seen to be too flagrant an Abuse  
 of Sense, Justice, and Reason to be rely’d on also ----

The Difference being too visible between the *two* Sums actually received by the *one's* Friend and the *other's*; originally, by mutual Confession, *equally* to be provided for reciprocally; --- between 2550 *l.* the Sum an annual 300 *l.* for eight Years and half amounts to, received by the *one*, and 650 *l.* only accruing to the *other*, within that Time. --- What is *next* to be done? Why then, after a Man is *most* NOBLY robb'd of his Fortune, his *Character* is to be *Right* HONOURABLY invaded, and the Minister *discharg'd* from *answering* his *Obligation*, from a supposed Incapacity in the *Party* recipient, to be the *Object* of *any*. --- And when this was found insufficient, then "a *LYE* is "trump'd up, and made the Sheet-Anchor of the Security of the *Minister's* Honour, *viz.* that the *Lord Chancellor KING* annull'd the *Obligation* himself."

As to the *first* of these, Mr. *W.* humbly conceives that he has *proved* HIMSELF, by a *Cloud* of *Witnesses*, to the Conviction of all that have *read* what has passed, (and many there must be that have done so, from the Number of his *Cases* in the Hands of the World) to have been a Subject capable of discharging the Duties of any Post of 300 *l.* a Year Value; either at home, or abroad, had it been *at that Time* conferr'd on him. --- But, it seems, "whatever you were beyond Sea, you "were a *Madman* as soon as ever you came home." --- But, *Sir*, it unhappily falls out that *those* were the *Madmen* themselves, who, without any *Colour* of Reason that can be assign'd, saving *one* I am going to allow, thought so of me, and not *myself* that was, contrary to all Justice and Decency, thought so of. I am the more free, *Sir*, to say this, because I am sure *you, yourself*, never was of the Number. --- To *those*, indeed, that either thought I had nothing to support me, but my *visible* Fortune, without any collateral Advantage from the Side of a *Family*, (but, as I conceive, without any great Disadvantage, in *England*, on its Account) in my Attendance on the *Court*; or that foolishly imagined I had *no* Interest at Bottom, where I pretended to have it, --- I might very well, I own, be thought *oddly* enough of, to see me loitering so long about *one*. He is the *Madman* that always, or, in the general,

general, acts on *non-existent* Principles. But he deserves not the *indulgent* Appellation who acts on *existent*, tho' *non-apparent* ones; tho he may be liable to it. A *General* that leads on his Army to attack invincible Intrenchments with the certain Ruin of it, and has no other Resource to come at his Enemy, is undoubtedly a *Madman*; but if by some Means or other, known only to himself, he has an easy Access to him, he ceases to be so. We deal about so freely, on all Occasions, the Word *Mad* at one another, that I was willing to take the Occasion that is here offered me to say what, perhaps, was never express'd in so clear a Manner before. At least, to me, Mr. *Locke*, in his noted *Passage*, has not done it. "Real Madness is acting on *non-existent* Principles ---- Unreal, or falsely imputed Madness, on really-existent, but *non-apparent* ones:" And, *Sir*, unless you can justify Injustice and Oppression from *real* Principles, let me humbly recommend it to you to take care of your own *Character*. 'Twill not be the first Time that he that has digg'd a Ditch for another, has fallen into it himself; and had I been the *Madman*, your Right Honourable and Noble *Poet* would, for your Sake, *Sir*, have made me pass for, I had long since made him, a MAN of CONSEQUENCE; agreeable to what, as I have heard, was, in your own Opinion, the *only* Thing wanting in his L-----p to the being thought *such*. ---- But to return, from a *Digression* that I hope will neither be thought useless nor impertinent to my Subject. ----

Whatever Liberty the Vanity and Malice of any one's Imagination might have led them to take with my *Character*, I was not then oblig'd to declare what Support I had, or what private Encouragement to wait the Wheel of Fortune, till my great *Patron* came into Play himself, from 1723, that I returned into *England*, to 1725, when the Lord-Chief-Justice KING was made *Lord Chancellor*, and an *Equivalent* stipulated for me, and acknowledged and conformed to by the *Prime Minister*, for 300*l.* a Year, as soon as his Lordship did so.

But besides this, Mr. *W.* humbly conceives he gave sufficient *publick* Evidence during that Interval, how little



little he deserved such an Imputation on his own *Character*, from the *Characters* he gave the Town, in the Year 1724; of many Honourable and Noble *Personages* that had frequented the *Waters*, the preceeding Season, at *Bath* and *Bristol*, and soon after in the *Letter* he writ his *Patron*, on his Lordship's being to be made a *Peer* (a), the Year following, were not the unnatural Malice of Mankind so infinitely superior to the natural Benevolence which God originally designed should prevail among his rational Creatures. --- Was it the Effect, Sir, of *Insanity*, or of the *soundeſt Mind*, that when you were pleased to begin to neglect me, I wrote to you, effectually, the *Letter* (Feb. 1726) inserted in my *Short History*, at large, to assert my Pretensions on you, on the deliberate Obligation you took upon you, at *Chelſea*, after near an Hour of as cool a Conversation as I believe you ever honour'd any Man with, there or elsewhere (b)? Was it to *Insanity* you gave the 300*l.* the Year following? Or did any *Insanity* arise the Year after that, viz. 1727, or, does the *Letter* he writ to you (on your Change of Conduct towards him, after the late King's Decease) the latter End of that Year, published in my *Three Letters* of the last Year, prove it? Or is there any Colour given for so vile a *Slander* on that Man's *Understanding*, who could exemplify his Benevolence to his *Great Patron*, in so handsome a Manner, as was done in the *Letter* I writ his Lordship in *January* 1728, on the Revolt of Mens Opinions of his Lordship's Character? --- A *Letter*, Sir, give me Leave to say, from the Reception it has met with in the World, from candid and uncandid Judges, Friends and Foes alike, so well and so judiciously penn'd, on the nicest and most delicate Subject, as that, if *yourself* had had Benevolence and Leisure to have writ it, would have been in the Estimation of every one that has read it, no Dishonour to you.

(a) *Letter to the Lord Chief-Justice King, on a Motto to his Lordship's Coat of Arms, on his being made a Peer.*

(b) See *Short History*, first Edit. p. 11, second Edit. p. 12.

But even here, *Sir*, the Malice of the World cannot contain itself, (*in your Favour*) for I am arraign'd and traduc'd for having been so *impertinent*, with respect to *that* Letter, as to write the most pertinently on the most pertinent Occasion. As if because a Man is advanced to the highest Civil Station a Subject can hold, he *ceases* to be a *Man*; and neither can stand in Need of, or be entitled to, the friendly Offices of the most private Man he honoured with his Favour before his Elevation.

Was the *deliberate* Manner in which I chang'd my *Course of Life*, and took upon me the Resolution of *entering into Orders*, as the *Letter* I writ to his Lordship thereon, in the latter Part of the same, the Result of an unsound or the soundest Mind? and which, tho' never design'd by me for publick View, I had so great Reason given me to publish, at all Events, to obviate the mean, low, *beggarly* Scandal of your never-to-be-forgotten Noble *Champion (a)*: Or has "my *CONSTANCY* in pursuing my Point with you, "through thick and thin, fair and foul; now yielding "to the Times, now exerting myself, and, finally, "calling you, --- so manfully calling you to Account "for the Injustice done me, been an Indication of it?" --- Let your own Conscience, let that of your nearest Friends (for I hope you have still *some* Friends that have some Conscience left) tell yourself, or them, as you read this.

I neither envy another his Abilities, nor am fond of my own; but may I have Leave to say, that I have already, in the Course of my Life, given some small Specimen of what Talents God and my own Industry has conferr'd on me, and will, in the future Course of

(a) *Compell'd to make a nauseous Draught go down,  
And quit dear Revels for a Parson's Gown.  
Fell Disappointment! What a bitter Pill!*

\* \* \* \* \*

*Laymen* for thee, how much soe'er 'gainst Grain,  
Resent, *take Orders*, &c. &c.

*Verses in Daily Gazetteer, April 13. 1738.*

it, God granting Life and Health, do as much Service to the World, as that none of my Degree of Life shall go beyond me.

Let this be taken as it will; I say it not out of *Vanity*, but of just Indignation at the Usage I have met with. Vanity is an inordinate Conceit of a Man's own Self, accompanied with as inordinate Desire of Praise from others. It is not the having a *just* Opinion of ones Self that is *Vanity*; this every Man ought to have; nor can that Man reasonably be obnoxious to an Imputation of this great Frailty, who is always ready to do Justice to the Merit of others; which, whoever knows me, knows no Man exceeds me in. And as to an inordinate Desire of the Esteem of others, a Man must have a very different Opinion of the Worth of human Nature in general, in all Ranks and Degrees of Men, than I confess falls to my Share, to set any notable Value on it. I value no Man's Opinion of my Desert, I neither desire his good Opinion of it, nor value his ill, who is not himself a Man of Knowledge and Virtue; and as for those that possess these two *only* valuable Characters that can adorn human Nature, of any Rank, from the highest to the lowest, I thank God, and their Goodness, that I have had those of this Character all my Life long, who have honour'd me with their Favour; tho' I must confess at the same Time there are *others* of the like genuine Character, who very well know themselves, who have entertained Prejudices to my Disadvantage, however dishonourably assumed, which they are, it is to be hoped, now ashamed of.

I have been obliged, *Sir*, to make this short *Digression* on a Subject that does not apparently belong to the *Point* between us; but when so *foreign* an *Article* as *this* is to the *Injustice* I have complained of your having done me, is *press'd* into your Service against me, because, in answer to notorious Detraction and Obloquy, I was oblig'd to display some advantageous Truths in my own Vindication, myself, I hope I shall have excused me what Impropropriety, or Impertinency there has been in it.

I should now, *Sir*, proceed to take into Consideration that *other* formidable *Objection* I have mentioned, that  
has

has been made to the *Validity* of my subsisting Pretensions, viz. my *Lord Chancellor KING*'s annulling the *Obligation* himself. ---- But before I do so, it will be highly pertinent to remind you, from whence my Intercourse with you took its Rise. ---- From whence, Sir, but from that great good Will the *Lord Chief-Justice KING* bore me? A *Fact* I have given already incontestable *Proof* of, and which I have in my Power greatly to *amplify*, by publishing those *Memoirs* I have by me of his Lordship, from the Minutes I kept of his Lordship's Sentiments, when for so many Years he honoured me, in his unbended Hours, with his intimate Conversation.

The proper Method, Sir, for you to have taken to have defeated my *Pretensions* on you, had been to have shewn, what was meanly so long thought by some, who knew nothing of the Matter, that I had none on *Lord Chancellor KING* himself. ---- To have called in Question the Genuineness of the *Proofs* I have given of it, under his Lordship's own Hand. ---- To have called for the *Originals* of those many *Letters* I give Copies or Abstracts of in my *Case*, which I had the Honour to receive from his Lordship. ---- To have shewn that a noble Duke, *Secretary of State*, never received the *Letter* to his Grace I have inserted therein at large, ---- so honourable, so authentick, and so unquestionable a Testimony of his Lordship's Affection to me, in itself, and so much greater a one to every one, who, acquainted with his Lordship's Character, knew his Aversion to the being *obliged* to another for a Favour to a Friend on any Occasion. ---- To have seen it *prov'd* under his Lordship's own Hand, that I had the Honour of his Correspondence while I was abroad, and had received that ever most honourable Testimony in particular from him, of "*approving*" the *Preference* I gave to the Living in my native "*Country*," in declining a Royal Offer that was made me of an *Establishment* abroad, for the Privilege of living in a free Country, and (as the Compliment must unquestionably be supposed to have carried in his Lordship's Mind, tho' not express'd) under his Lordship's *realized* Protection; for what less than *this* do



the following Words of his Lordship's imply, *viz.* "I shall *always* be glad to do you what Service lies "in my Power (a)." --- This, *Sir*, is what you and your Friends should have done, in the *first* Place, and then to have *denied* my *Charge* in the *second*. But as the *first* of these was too dangerous a Step to be entered on, my *Case* must be taken, forsooth, for a *Satyr* on his LORDSHIP, tho' really so great a one on your NOBLE SELF.

I own, very freely, it had been a very great *Reflection* on his Lordship, after the many Years I had the Honour of his Protection, and after such Assurances of his continued Favour and Friendship, under his own Hand, had he done nothing for me when he came into Favour himself: --- But did his Lordship neglect me, or, on the contrary, could he have made a *better* Provision for a *favoured Friend*, of a *liberal Education*, than he made for me? Not, *Sir*, by a simple Recommendation of me to a *Prime Minister*, --- (his Lordship and myself both knew too well of what Value that had been) but by giving you, *Sir*, an *Equivalent* in Hand of 500 *l.* a Year for your providing for me? Or was this done by his Lordship in Words only to me, and not acknowledged by yourself? --- I am weary of repeating your own *most honourable* (b) Words to me, which have been so contradicted by your *most noble* (c) Actions. --- Did you think, *Sir*, when you told me you were "unwilling to oblige the Ladies to ask at "their Request the Clerkship of the Presentations "for your Daughter-in-law's *Trustee*, not doubting but "the *Lord Chancellor* had Friends of his own to ob- "lige, and on his Lordship's telling you, on your "asking for it, he had so, and on his giving you the "Place for your Friend, his Lordship insisting for an "Equivalent, and on your *acknowledging* to me you "were indebted to his Lordship as *good a Thing*." --- Did you think, *Sir*, then, that *one Year's Income*, and

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(a) See Short History, p. 3.

(b) Knight of the Bath, 1725.

(c) Knight of the Garter, 1728, &c.

350 *l.* more, for a Course of ten Years Attendance on you, was THE AS GOOD A THING? ---- No, *Sir*, give me Leave to do you the Justice to excuse you of a Thought, to your so great Dishonour, taking its Residence in your then *most honourable* Bosom? Did you *then* think this was *all* the *Provision* his Lordship could propose for a Friend of his he had so highly honoured, with such intimate Favour for so many Years, who had supported himself by his own Fortune to the 33d Year of his Life, through the most regular Education *at home*, and had such honourable Testimonies to shew of the Consideration he had received *abroad*? And who, *like to yourself*, had that Credit among his own private Friends, as to support himself by their Generosity, while Fortune was against him, till it declared in his Favour? ---- If you *did* think so then, *own* it, and take to yourself the *Honour* of it. If you did *not* think so then, shew *why* it should be thought so at any Time *since*? Can the very *self same Thing* be *true* and *false* at different Seasons?

But if you did *not* think so when you gave me 300 *l.* in 1726, as one Year's Value of my *stipulated Provision*, how came you to think *otherwise* in 1727, on the Decease of the late *King*? Was the Obligation you were under, as you told me, to provide for the *Prince's* Family, a Reason why you should not pay your own *Debts*? Or, if it prevented you from doing so then, has it done so ever since? Is that Man who pays not his own Debts, and is able to do so, of inferior *Distinction* to him that takes another's *Property* from him by Fraud or Violence? ---- But it seems *Lord Chancellor KING* annul'd the Obligation himself at once, "by desiring you to give me no more Money." This I have, *formally*, call'd an *Untruth*; not, *Sir*, as it drew its Rise from an *Insinuation* that came first from your own most noble Lips ---- I hope I shall always respect what has so noble a Birth too much to make mention of it with so great Irreverence; but, as it has been so devoutly lick'd up, and made now the sole Prop of your tottering Cause, in the Mouths of your slavish Dependants; ---- Nor have I assign'd it that honourable Appellation, as if such Words might never,

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on no *Occasion*, fall from his Lordship, (for it is not in my Power to prove it) but, because, if they did, “ they neither did nor could imply any such Thing “ as they are brought to *prove*.”

These *supposed* Words of the then Lord Chancellor were reported, to me, from yourself, in one of the *Conferences* I had the Honour to hold with our very reverend *Mediator*; who, indeed, did tell me, among other Things, in one of them, “ that you said his “ Lordship desired you to give me no more Money, “ and that you had *Witnesses* to prove it : ” But on his *Report* of these Words, they *seem’d* only thrown out because you had nothing else to say, than that any Stress either would or could be laid on them; and that for this further Reason, because the *Negotiation* was not at all discontinued thereon. --- But as they are now to be made *something* of, after being driven out of every Outwork, *here*, it seems, you have entrenched yourself so as to bid Defiance to all the Power of Truth, in the Cause, to come at you.

But to allow all its Force; --- “ What can there be in “ Mr. *W*’s Case when Sir ROBERT WALPOLE says, “ that Lord Chancellor KING desired him to give him “ no more Money ? ” --- By this it is understood that his Lordship revoked, himself, the *purchased* Favour in behalf of Mr. *W*. --- “ There is a very just and a “ very legal End put to Mr. *W*’s Pretensions on the “ *Minister*, and what would Mr. *W*. more ? ” --- Here is the *Objection* in its full Force, and I shall give it a *distinct* Answer; and if I fail in doing so, I willingly lose my Cause.

But before I enter on it, may I have leave to observe, “ This is *acknowledging* the original *Obligation* as Mr. *W* has stated it; ” since no one ever asserts that to be *annul’d*, that he does not, at the same Time, admit to have been in *being*; *viz.* “ That you “ had a Place given by Lord Chancellor KING to your “ Daughter-in-Law’s *Trustee*, in *Consideration* of your “ giving Mr. *W*. one of like Value, on your own *Acknowledgement*.” --- But this is an *Observation* that I make only for the sake of the Justness of it, in the Course of my *Argument*, and not that there is at all  
any



any Need for it; "for you never presumed to deny your own Words that I ground your Obligation to me on."

To return therefore: "Whether these Words ever fell from my *Lord Chancellor KING's* Lips to you on any Occasion," I shall not take upon me to contest with you. I have as much Regard to your Word, as a *Gentleman*, as I have little as a *Minister*; and I leave you to assert his Lordship did say so in what *Character* you please:---- But what do they infer supposing them said? Do, "give him no more Money," infer don't discharge the *original Obligation* that you stand in to him for what you receiv'd from me, in Consideration of it, for your Daughter-in-Law's *Trustee*? ---- Was "giving me Money" the Subject of the original *Intercourse* that passed between his Lordship and you? Or was there ever a Word mentioned of *Money*, till it came in Aid of your not giving Mr. W. by your own stipulated Time, at *Christmas*, 1725, that which you own'd yourself you had *Value receiv'd* in Hand for, 300 *l.* a Year, and what you so deliberately, at *Chelsea*, told me you would do, by that Time, or (a) withdraw Mr. Sp----r from his Lordship; and as you did not do that, was not the *Alternative* in Force? ----

Can the *Truth*, Sir, of any *Right* be defeated but by Words as full as those that created it? Was ever *Deed* or *Gift* set aside by any *Expression* short of what was granted in either? ---- So that allowing, once more, his Lordship did bid you give me no more Money, I see not what Argument can be drawn from it, to acquit you of the *original Obligation*, so solemnly entered into on your Part, which you had *Value received* in Hand for, by your own Acknowledgment, and which you conformed, and executed, in part, by adopting the above-mentioned *Alternative*, and giving me the Value of it, the succeeding Year: and promising to continue to do so till a more settled Provision could be found; to which the Money given was a *collateral Matter* only. --- "Give him no more

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(a) See Short History, first Edit. p. 16, second Edit. p. 14.

Money” if said at all, must have meant no more, than, “Give him no longer any *Consideration* for the “*Place* you are to *provide* for him, and which I have “told him, over and over, you had a *Consideration*, “and a *valuable* *Consideration* for, but give him the “*Place* itself.”

My next *Argument* is, That This *must* have been his Lordship’s Meaning, “Because he had no *Power* or *Right* in himself to intend any other; or you a *Power* of taking Advantage of any other Meaning, to exonerate yourself from standing to your *original* *Obligation* on his Behalf.

I say, *first*, his Lordship had not a *Power*, if he intended it, to *forgive* you the *Obligation* you stood in to Mr *W*, a third Person, as so frequently stated. Because it was a *Right* that was *pass’d* over to Mr *W*. from his Lordship, and which, by your conforming to, Mr *W* was in possession of from *yourself*. And my *Reasoning* here is *consonant* to what the Course of Proceedings is, of *Parliament*, or of the *Crown*, --- when any one would revoke a previous Settlement of an Estate which, he himself has made, for the Advantage of *one*, to give it to *another*, in *Parliament*; or, when any one who receiving a *Patent* of *Honour*, from the *Crown*, and actually has entailed such Honour on *one* Person, changes his Mind, and is for having it entailed on *another*. In *both* these *Cases* (too notoriously true for me to cite Authorities) the *original* *Grantee* shall not be set aside from what has been granted him, tho’ it has not yet *enured*, to his being actually vested with it. And what is the Reason, but, Because such original *Grantee* is conceived in Equity (the most cogent of all Law) to have a *Right* vested in him by such *Grant*, independent, and exclusive of all *Power* of Revocation from the *original* *Donor* of it, by any Change of Mind that may afterwards happen. The *Right* conferr’d is departed from, and *vested*, and therefore shall not be resum’d at Pleasure.

This, *Sir*, as to his Lordship’s *Words* considered in this Light, of withdrawing from Mr *W*. what was so expressly stipulated for him, and “paid for to your-  
“self, by your own Confession.” - - - And what ought  
to

to have been *your* Conduct, *Sir*, in this Case, supposing that by *those Words* his *Lordship* did really intend to *withdraw* the *Provision* he had so solemnly conferr'd on me? - - - What should *Honour* and *Reason* have dictated to you, on such an Occasion, but *such* or the *like* Expressions, on your Part, as the following, *viz.* " *I would not have you (for Instance) give Mr W. any more Money*" - - - Your Lordship does not mean, " by giving him *no more* Money, that I should " be quit from *answering* the *Obligation* I stand in to " your Lordship, and which you have made over to " Mr *W*, for giving Mr *Sp.* at my Request, the *Secretariship* of the *Presentations*? - - - *Yes*, (according " to the *Supposition*) *I do.* - - - I must beg your Lordship's pardon for that - - - Mr *W.* has been a little peremptory with me, in relation to his Demand on me; but, tho' I have been forced to give him a *short Answer*, now and then, to get rid of him, for the " Time, I can't say I dislike, on the Whole, his Behaviour, *It resembles so much my own, whenever I have thought I have been wronged.* And altho' I have, perhaps, even complain'd to your Lordship of his *Way*, yet I cannot allow myself to carry Matters " so far as to deprive him of *so just* a *Right*, as has " been jointly convey'd to him by your Lordship, and myself; and especially as it was the Effect of your Lordship's Favour to him, on very just and very " reasonable *Pretensions*, which I had a very ingenuous Account of from his own Lips, at *Chelsea*. - - - " No; I will, if you desire it, give him no more " Money; but, I must ask your Lordship's Pardon, " if I hold myself *obliged* to acquit myself of the " Obligation I so justly stand in to your Lordship; " and I *will* acquit it to Mr *W.*, for whom it was originally intended." - - -

Are not these Words, which I presume to put into your Mouth, *Sir*, on the Supposal of such an Occasion, highly worthy of you? And would not any *other* Sentiments be highly unworthy of you? Why then will you virtually appropriate them, by insisting on a *Discharge* of your *Debt* to me, from the *Lord Chancellor*.

lor's bidding you, to give me no more Money, let his Lordship have meant by them what he pleased?

But all this, *Sir*, hitherto, I acknowledge to be but a *feint Attack* (which, however, has often its Share in carrying the *Place*) I proceed now to storm your Intrenchment in Form, and to *carry* it. --- We live in warlike Times, and I hope a military Expression will be pardoned.

*Sir*, It is a known Rule in Morality, and known to none better than to yourself, "That the Nature of all Actions is determin'd by the *Motives* to them." I come therefore to *enquire* into the *Motives* of Lord Chancellor KING's saying *such Words*, --- allowing you, as I have, that he might have *said* them.

If *these Words* proceeded from his Lordship's being *over-aw'd* by you, at the Resentment you had, on Account of the *Uneasiness* Mr. *W.* gave you, in soliciting the paying him so just a Debt, and from Apprehensions of his Lordship's own *Safety* ("express'd to a very great Authority, at that Time, still living") I humbly hope it is clear, at first Sight, that you are not at Liberty to take any Advantage of them, to the defeating Mr. *W.* of his just Demand on you; and therefore I pray it may be attended to (for the Matter is of great Consequence to us *both*) on what *Motive* were *these Words*, or can they be supposed to have been spoken by his Lordship? --- On his Lordship's Displeasure at Mr. *W.* or, *Sir*, on yours? and his Lordship's consequent *Apprehension* for himself on that Account?

If on his Lordship's Displeasure at Mr. *W.*; let it be consider'd *whence* that Displeasure arose? If that Displeasure had its Rise from any *Uneasiness* Mr. *W.* gave his Lordship on your *Denial* of doing him Justice, are you to take Advantage of it? Mr. *W.* freely owns he did give his Lordship great *Uneasiness* about that Time. And when the *Question* was with him, whether he should sit down contentedly and see himself *abandoned*, (after all the Pains he had taken, and Expence he had been at, and after the two *capital* Men in the Kingdom had had such favourable Intercourse together on his Account) through the Injustice of *one*, and the Infirmary of the *other*, he humbly conceives,



if asserting strenuously, at such a Juncture, his Pretensions; gave his Lordship Uneasiness, he was in the Right to give it. ---- Allowing therefore, once more, his Lordship did speak such Words, Do not the *Guilt* of them lye at your Door? And shall you, *Sir*, be at Liberty to bring a *Plea in Bar* to Mr *W*'s so just *Demand* on You (of an *Equivalent* which by your own Acknowledgment you were paid for) that solely arose from your own not *answering* it? Will such a Thing bear the Light, whilst there is any Sense, Honour, or Honesty left among Mankind? Are our Times, deplorable as they are, so abandoned, as patiently to bear the Dishonour and Treachrey of such an Insinuation from one MAN to *another*? Are not you yourself, *Sir*, as you read along ashamed of it? Or are you fit to appear in so sacred a Place to Honour and Justice, as a "Royal Presence", or the Presence of any Part of the Legislature of a Nation, with such a Stain on the *Ribbon* that adorns you? ---- But, *Sir*, I ask pardon for so unworthy an Insinuation ---- You have no such *Stain* on it. ---- You will not *daub* it by publickly, asserting, and relying on this inconsistent Support for your *Defence*. It is your *Friends* unlimited Generosity towards you, and not your own ill-judged Goodness to yourself, that has *paraded* this insupportable Argument, in your *Dis-favour*.

Now, that his Lordship's Inducement to his saying *these Words*, arose from the 'fore-mentioned *Motive*, and from no *private Displeasure* that Mr *W*. ever gave him, but on your Account, Mr *W*. has not only his own Declaration, "That he never *otherwise* gave his Lordship any Cause of Uneasiness, to *prove* it, (which however to every one that knows him will go as far as any Man's, in the like Case) but this plain and direct *Proof* to the contrary, "That on the very first *Intimation*, that was given to his Lordship, of Mr *W*'s Design of *taking Orders*, his Lordship said to a *private* Person now living, "That if he did, he would provide "for him"; and to as great an Authority, and almost as great a Person, also now living, as is in the Kingdom, "That he would give him Preferment to the "Value of 300*l.* a Year"; tho' it afterwards fell out,

for Reasons in which you are not at all concern'd, what his Lordship did give him fell, near two Thirds short of it.

Now, if his Lordship had any occasion of Displeasure against Mr *W*, on Mr *W*'s own Account, and not on yours, alone, Mr *W*. humbly conceives it would, and must of course, have prevented his Lordship's Generosity towards him, in his *own* Power, as well as to have made him interpose against your doing him Justice, in *yours*.

Wherefore, *Sir*, it plainly appears, and I *rest* my Cause on it, "That if *these* or the *like* Words (let their Meaning be what it will) ever fell from his Lordship, they were only the Effect of your *Awe* over his Lordship; of which you are not at Liberty to take, in any Sense whatever, in Honour or Conscience, the least *Advantage* against me.

And now, *Sir*, condescend, *yourself*, or obtain it, if you can, from the Assistance of some of your *menial Hirelings*, if there be a Man of Sense among them, to set aside this *Argument*. Or, in return to the *Questions* that have been so pompously made, "*Has HE invaded Private Property, or committed any Act of Power for his own Lucre? Name the Subject he has oppress'd*" (b)? ---- Give me leave to say, "I am the *Man*, ---- who have been oppress'd by him, to the depriving me absolutely of my *true Fortune*." ----

And, here, *Sir*, without saying more, I *rest* my Cause ---- in Point of Argument. And whether you attend to it, or whether you do not, is very indifferent to me. If you like the *Load* that I have thus *clearly* and *indisputably* laid on your *Shoulders*, till you satisfy the *Demand*, I have so *clearly prov'd*, by removing every *Objection* brought to the contrary, I have on you ---- Go on, *Sir*, to bear it. There never was an Act of Injustice committed but was repented of; (and *true* Repentance, in this Case, requires *Reparation*,) or must end in *Regret*.

It is not a *little Money* I have been contending for, --- If it had ; give me leave, *Sir*, to say, that in the Course of the Affair with you, since your peremptory *Refusal* to do any Thing for me, and telling me, most honourably, " That I was a *Stranger* to you", in *St. James's Square*, in *September 1735 (a)*, I have had sufficient reason to presume, if that had been all, I should have had it. Nor is it for any further Preferment in the Church, I am very well content with my present State, in that Respect. But, it is for my *whole Fortune and Character in Life*, I am contending, --- for my *Right* to a Ballance of 300*l.* a Year, due to me from *Christmas 1725*, against 650*l.* received ; and for the inconceivable *Damages* I have sustained by your not making, *at that Time*, the *like* Provision for me, in *your Way*, as, in Consideration of your doing so, the late Lord Chancellor KING, made for your Daughter-in-Laws TRUSTEE, by your *own* CONFESSION, in *his*. It is for *this* I have taken all the Pains that have so unjustly fallen to my Share ; first, " To shew my *Right*, which *is* in my Power to do, " and then to have Justice done me, which, indeed, is " *not* : " But for which, I hope, having establish'd my *Right* beyond all Exception, I shall have your Honour, and the Honour of all your Friends, and the Resentment of your Enemies pleading in my Favour, till some *Compensation* be made me.

I *want* nothing ; I desire nothing more than I have, or than what I have a *Right* to, and consequently is my own, as much as any Man's *Debt* can be his *Creditors*, in a *solvent* Debtor's Hands ; and I should have been unworthy to live if I could have patiently and quietly given up such just *Pretensions*, and had not *asserted my Right* to that which the Divine Providence put me so fairly in Possession of, tho' the Power of my *adverse Party*, and my own *Moderation* made it so long e'er I could effectually do it ; especially when it shall be considered, that a thorough *asserting it* was the only Means I had of doing Justice to my *Charac-*

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(a) See Short History, first Ed. p. 27, second Ed. p. p. 24.



ter, so hardly borne upon, from my Disappointment, with respect to *Fortune*. Every one knows the Value that ought to be set upon *Character*: You yourself, *Sir*, say, (*Case of Mr. Walpole*, p. 24.) "That a Man's *Reputation* ought to be dearer to him than *Life* itself." My *Case*, both as to *Character* and *Fortune*, has been greatly misunderstood; but I think it will be allowed me I have clear'd it, in both Respects, beyond all possible further *Exception*, to every Man of Sense, Virtue, or Honour that shall have read it.---- We come but *once* into the World, and I think that Man is a *Fool*, who does not *naturally*, as well as morally, do his best to make the *most* of himself.

After having, *Sir*, thus done Justice to you and myself, in Relation to the *first* Enquiry, I set out with, *viz.* "Why I am not answered?" and shewn, as I humbly conceive I have, "That it is because I cannot be answered," I proceed to my *second* Enquiry above-mentioned, "Why I am not satisfied?"

AND here, *Sir*, for the Honour of your near twenty Years *Vicegerentship*, may I be permitted to observe, "That We seem to have lost (with all Sense of *common Decency* in many other Respects) all Sense of the *Privileges* the *meanest* Subject, in a free State, has in common with the *greatest*;" such, and so great has been the Surprise at the unprecedented *Boldness*, as it is called, which I have shewn in manfully exerting myself in *Defence* of so clear a *Right*, on so interesting an Occasion, against your *GRANDEUR*; as if You were something more than *Man*, or, not *Co-member* with me of the same *civil* Society, and myself something less than either. But I beg I may be allow'd, without being thought of a *levelling* Principle, (for no Man is more convinc'd of the Necessity and Ornament of these *adventitious* Distinctions in human Nature, common among Mankind, which draw their Rise from civil Society, than myself, or more observant of all the *rational* Decencies and Respect that is due to them) I beg, I say, I may be allow'd, without incurring the fore-mentioned *Imputation*, to enquire a little

little into the respective Privileges of *Subjects* in a free State, so *unequal* as you, *Sir*, and I are, and consider whether the Laws and Constitutions of the *Community* we belong to have been broke in upon, by me; in what I have done in calling you thus frankly and peremptorily to Account, before the Publick; or whether they support you, in what you have *not* done, in giving so just Occasion for it.

Of all the *Rights* incident to human Nature, whether considered as *Men*, or as Fellow-Subjects, *Justice* has ever held the *principal* Place. No Man ever had a Right by Nature, nor conferr'd on him by Civil Society to violate it; and if it has been violated by you, *Sir*, in my Case, to a Loss and a Detriment arising from its being so, of no inconsiderable Value, ---- have I done Dishonour to the Constitution of my Country in not *tamely* submitting to it? Or am I the only Man *not* under the Protection of it? No, *Sir*, equal Justice is due alike to the most unequal Persons, in a civil Community, and equal Reparation on an Injury received; and that Man does Honour to the Constitution under which he lives, who *asserts* the *Rights* of it, to himself, whenever any of those *Rights* have been invaded.----In no Respect whatever have you any Advantage over a meaner Man than yourself, on an Injury done, either as *Man*, a plain *Englishman*, or as a *Christian*---- Three *Relations* these, I either have, or *ought* to have concurrent with you.---- There are *other* Respects in which we *differ*, the respective Privileges of which, in your Favour, shall be distinctly consider'd; and when I have proved, That neither as to these wherein we *agree*, nor in those wherein we *differ*, you have any Pretensions or Refuge for not repairing the Injury you have done me, I hope you will no longer stand out, but take to yourself the Honour of making me *Satisfaction*.

As a *Man*, *Sir*, I am your *Equal*. I am so of your Royal *Master*, and of all the ROYAL MASTERS in the World. All *Men* are so by *Nature*; and as no one has a Right by *Nature* to injure another, so is none, by *Nature*, exempted from a *Right* of doing himself

himself *Justice* when he is *injured*; much less is any one possess'd of any *Exemption*, by *Nature*, from doing *Justice*, or repairing an *Injury*, he may at any Time have done. --- It would be impertinent to dwell longer on this, being universally acknowledged: --- And had you and I been on this Foot *only*, and the *like* *Injury* done me, you had, *Sir*, both by the Laws of God and Man, severely accounted with me for it long since: --- But I need not have put this Case at all, --- You would have valued your own Safety too much to have dared to have done it: Or, seeing the Metal of the Man you had injured, you had, for the same Reason, repaired the *Injury* before it was *felt*. --- I never was, in my natural Frame and Constitution, of a Spirit to receive wrong of so high a Nature *unresented*; --- And I freely own that it was more owing to the Goodness of God, than to any Government of my own Spirit I was, of myself, *Master* of, that when I felt the Weight of the *Disappointment*, (the *Injustice* of which was so *clearly* known to me, as well as to yourself, from the Consciousness of what had passed between us, and when I saw myself consequently thereon, as was for some Time my Case, abandoned by my *private* Friends, on the Supposal I was for good and all drop'd by my *greater*) I say, *Sir*, and I say it freely again, it was owing to the Goodness of God, more than to any Government I had of my own Spirit, that I had not *done*, as some others in History are very well known to have done, on less Provocation: --- But the Extravagancy of which no Man condemns more than myself; there being a most material Difference between "pleading one's Cause," --- a Right reserved by the Laws of Society, to every one to do in what Manner he pleases, in civil Matters, and the "doing one's Self Justice," reserved to none.

On the *bare* Consideration of our being *Fellow-Subjects* of the same Country, --- here, *Sir*, also I have the Honour of being on the *Level*, with you. Is there a *Law* in being, that regulates my Title to *Property*, that does not regulate *yours*? Can you, or any of your *Superiors*, vacate a *Bond*, or a *Mortgage* at Pleasure, on the Score of your *Superiority*, against the

the *meanest* Man alive? ---- No, *Sir*, *this* also is too well known to be enlarg'd upon. It is the *Law* in *England* that is *England's Master*. The *KING* himself is *one* of the *Inhabitants* of the Country, and *ONE* of the *Members* of the *great Community* HE governs; but set at the Head of Both; and long may his *MAJESTY* and his *Royal Family* continue so. ---- *Law Sir*, is his *Majesty's* *Royal Master*, as well as that of the meanest of his Subjects. Neither the august Prince that now reigns, nor his *Royal Father* ever attempted to invade the *Rights* or *Privileges*, or take to themselves the *Property* of the meanest of their *Subjects*, but what was granted them according to *Law*; or to assume to themselves other Power than the *Law* prescribed to them; ---- and what was and is disapproved by their *Royal* selves, it is humbly hoped will never meet with *Approbation* in any of their *Servants*.

And here, *Sir*, may I have Leave to ask you, *wherein* consists the *Security* of a *Bond*, or *Mortgage*, but as each of them are a manifest *Acknowledgment* of the respective *Facts* they refer to? They each declare the *Intention* and *Action* of their respective *Constituents*. ---- Would you deny your own Hand on a Suit to *either*? ---- Would you be admitted to do it, to vacate *either*? ---- Or need the *Party* bring *Proof*, to shew it to be your Hand-writing, if you did not deny it? ---- But I have the Authority of *neither* for my *Demand* on you: ---- No, *Sir*, that is true ---- But have I not as great, your own undenied and undeniable *Acknowledgment*? ---- Have you ever, publicly or privately, attempted to deny what passed before, at *Chelsea*, and afterwards between us? ---- Your sending for me; your acknowledging for what Reason ---- That you had in Hand, Value received, for giving me 300*l.* a Year; your actual conforming to it for one Year. ---- If all this be true, was there not a certain Right *paid* for, *passed*, *acknowledged*, and a Year's Income of it *receiv'd*? And if a *Right*, so undeniably established and confirmed be, at Length, defeated, is there not as much *Disbonesty* committed, as if a Man should destroy his own *Bond*, could he either through *Carelessness*, *Collusion*, or *Force* get it into his Hands? All this, *Sir*, is equally



alike evident. ---- It must be so to yourself, or nearest Friend, as you read it ---- But I hear one of your *Friends* say, "It may be true so far, but have you a like *Remedy* in the *one* Case, as in the *other*? ---- Is this a *Question*, Sir, that does you Honour? Shall I not encrease the Dishonour of it by answering it? ---- But, however, to do it Justice, ---- What signifies a *Remedy* for a clear *Right* withheld (to speak *honourably* of you) among *honest* Men? Laws, Sir, were made, and Judges appointed in Aid of the Imperfections of our Understanding where the Matter is *obscure*, and of the Perversity of our Wills, to obviate the Knavery of wicked Men, and redress the Ignorance of Fools, where it is *clear*. The *Laws* of a *civil Society* were never made for Men of Sense and Virtue, Integrity and Honour among themselves: ---- But allowing they were, it is impossible for the *particular* Laws of any constituted civil Society to extend to *every* Case that may arise, or give Relief to it. ---- But is an Act of Injustice done, in such a Manner, as that the *Laws* of *Society* cannot reach the Doer of it, in an ordinary Way, deem'd less an Act of Injustice, than where they can? Is it thought so in the World? And can that Man be a Man of Honour? Can he deserve to live in *Society*, much less can he be fit to be the most honourable Prince in the World's *Representative* between his *Majesty* and his *People*, if the only *Shelter* he has against making *Restitution* in a *known*, publick Act of *Injustice* be, that THINGS are so *circumstanced*, that he cannot be readily *obliged* to it?

Give me Leave, Sir, humbly to present you with two great Authorities on this Head, instead of many, one a *Foreigner*, the *other* of our own *Country*. The renowned *Grotius*, Sir, in his second Book, *Chap.* 12. has these remarkable Words following, *viz.* *Nimirum Leges iniqua tollunt quatenus teneri manu possunt, Philosophi*, i. e. honest Men, such, Sir, as you and I are, or ought to be, *ratione et intelligentia*. ---- This is a *Quotation* from *CICERO*, and then follow the ensuing Words of his own: ---- *Illi vero qui legibus civilibus subjecti non sunt, id sequi debent quod æquum esse ipsis ratio recta dicat. Imo*, ---- I pray your Attention,

tention, *Sir*, here, & *ILLI*, ought to do the same, (for that is his Meaning) *Qui legibus subiecti sunt, QUOTIES de eo quod fas primumque est agitur, si modo leges non jus dant, aut tollunt, sed Juri duntaxat ob certas causas auxilium suum denegant. --- Il. debent sequi quod æquum est, & quod ipsis recta ratio dictat.* This is in his *Chapter* where he explains the *Roman Do ut Des*, an *Authority in Point*, my very Case, on your own express *Acknowledgement*, and actual conforming to.

As to my *second Authority*, I take it from *Lambard's Archeion*, p. 94, 1635, from his *Chapter of the apparent Lack of ordinary Help*, in *Matters of Injuries*, who, after enumerating many *Particulars*, some of which have a very near Relation to my Case, "of *Might's overcoming Right*," in the *Conclusion* of it has these Words, *viz. If any of these or the like Misdemeanours (or Acts of Injustice, for that is his Meaning, civil or criminal) shall be committed, I see not how they may be chastised (or redress'd) by any ordinary Authority, standing Law, or Statute, and therefore considering that they tend to the Dishonour of God, the Contempt of her Royal Majesty, and the "Disherison of good Subjects," I suppose, that no Man will be either so wicked as to affirm they ought not to be punish'd (or redress'd) --- for howsoever the national, civil, or positive Laws of particular People or Country (which do work upon Generalities, and must therefore fail on many Specials) do not provide Punishment (or Redress) yet may it not be doubted, but that the Justice of God, doth keep Correction in Store for them, --- and therefore let us enquire who may and ought to award Correction for them.*

The particular Remedies that he points out for these Cases I shall not quote from him; it would draw me into too great a Length; but shall beg Leave, on this Head, to add further of my own what follows, *viz. "that I do not in the least doubt of my being in Possession of a legal Remedy against you, by Petition to the King;"* not only as his *Majesty* is our common *Sovereign*, but as he is, *Sir*, your *Master*. --- Less Honour cannot be expected in a *Prince* than in any of his *Subjects*. And

where is the Great Man among his Subjects, that would not, on Complaint, (and on the *like* undeniable Evidence in Proof of it) against the best Servant he had, which I have brought against you, think *himself* in Honour oblig'd to see that Justice was done by him, or dismiss him his Service? ---- But I don't know that I may not legally present an humble Petition to his Majesty, and hope, from his Majesty's paternal Goodness to all his Subjects, that he would please to order the Nature of my Complaint to be enquired into. The meanest Subject in *England* has a *Right* to *petition* his Sovereign; and I don't know that this Privilege is *confined* so to *other* Subjects of Complaint, as to exclude *mine*. So that either as his *Majesty* is your *Master*, or common *Sovereign* to Both of us, I humbly conceive I have, in Reason, or Equity, and Law, a *Right* to lay my Case humbly before him, ---- if no other Remedy is to be had: ---- But I hope better Things of you, *Sir*, than, in the End, to give any Occasion for it, ---- especially when I have humbly laid before you what *becomes* you to do, under my *next* Head, (wherein we either *do*, or *ought* to *agree*, as being *Co-members* of a civil *Christian* Community) as a *Christian*.

I am very sensible, *Sir*, of the *Impropriety*, in general, of this Head of my *Argument*, when addressing myself to, and speaking of a *Minister* of *State*. When Religion has been in Vogue, this *Set* of *Men* were never thought to have much of it *internally*, whatever the Custom and Fashion of the Times may have made their *outward* Profession to have been. -- To draw a Minister of State's Picture, in any Age, and I believe in any *Christian* Country, with the *Emblems* of the Christian Religion by his Side, would be as absurd as that well known *Piece* of a famous Painter, wherein *Moses* in the *Ark* is drawn with a Guard of *Swiss* about him. ---- But as the *Course* of my *Argument* leads to it, I must go through with considering you, *Sir*, in this Light, as you are a *Minister* of *State* in a (so call'd) *Christian* Country, and ought to govern yourself by its *religious* Laws, altho' (what I am very far from *supposing*, or even thinking) you did not believe



believe them. Your good Sense, *Sir*, I am sure, is too great, in your serious Hours, to do *otherwise*. --- The *Devils* themselves, we read, *believe* and tremble, and many *others* would do so too, were it not for want of *Attention*; in which the *Devils* have the Advantage of us poor *Mortals*. Want of *Attention* to their *Origin* and their *End*, is the *Bane* of *moral Life* in all Men. How many *rational* Beings are daily seen, who never in their whole Lives asked themselves, once, this *single* Question, "What are the *Obligations* I lye under by *Virtue* of my Being? if they had, it were impossible we should see so much *Profaneness*, LEUDNESS, and other *Immorality* among ALL Degrees of Men, as we do.

Now, *Sir*, what can be clearer than the *Christian Law*, in the following Words? ----- "*All Things whatsoever ye would that Men should do unto you, do ye even so unto them; for this is the Law and the Prophets.*" What is clearer than this *Precept* of the great Author of our Religion? What more amiable? What, in itself, more eligible? ---- I was almost going so far out of my Way as to say, who in his Senses would contest the Truth of a Religion, of which this is, in express Words, made *one* of the THREE, of the *Divine Author's* own Articles of it?--But to let that pass--Was there ever Man on Earth that was more for *asserting* his own *Rights* than you, *Sir*, through the whole Course of your Life have been? Or more careful and assiduous in making use of his Power for the Service of himself, his Family, and his Friends? It would be invidious, *Sir*, here for me to enter into *Particulars*, from your very Entrance into publick Life unto this Day. --- And have you, *indeed*, "*done by me,*" as you have done, or, on Occasion, would have others done for *yourself* or *Them*? Or has not your Conduct been quite the Reverse? And where *Injustice* has been committed, and *persisted* in, give me Leave, once more, most humbly to lay before you, *Sir*, that single great Authority, I concluded my *last* Address to you with, what the *Christian Law* is in that respect, instead of heaping up a thousand to the same Purpose, in the following most excellent Words: *sic*.

“ RESTITUTION and REPARATION are *Instances*  
 “ of *Justice* strictly due ---- a continual REFUSAL of  
 “ them, is a continued Act of *Injustice* ---- a continued  
 “ THEFT ---- a continued EXTORTION ---- a Habit  
 “ of the GREATEST Vice (a).” ---- Can there be Ex-  
 pressions of greater *Energy*, Sir, even in your own  
 Sentiments, who are so great a *Master of Eloquence*?  
 Can a greater *Authority* be produced at the *second*  
 Hand, for what is the Sum and Substance of the *Chri-*  
*stian Law* at the *first*?

To which great *human Authority*, may I be per-  
 mitted to add the following *Divine* one :

“ Wo to them that practise Iniquity BECAUSE it is  
 “ in the POWER of their Hand ---- who defraud a  
 “ Man, even a Man and his HERITAGE ---- There-  
 “ fore, thus saith the Lord, against this FAMILY do  
 “ I devise Evil (b).”

I shall conclude this Head with humbly recommend-  
 ing to your Consideration, the following Passage out of  
 the same most holy Book, from 2 Sam. c. xii. v. 1, &c.

“ And the LORD sent Nathan unto David, and he  
 “ came unto him and said unto him, There were two  
 “ Men in one City, the one RICH and the other poor.  
 “ The rich Man had exceeding many Flocks and Herds ;  
 “ but the poor Man had nothing, save one Ewe-lamb.  
 “ ---- And there came a Traveller (a Daughter-in-  
 “ Law’s Trustee belike) unto the rich Man, and he  
 “ spared to take of his own Flock, to dress for the  
 “ wayfaring Man, but took the poor Man’s Lamb and  
 “ dressed for him. And David’s Anger was greatly  
 “ kindled, and said, the rich Man shall restore the  
 “ Lamb fourfold, because he did this Thing, and be-  
 “ cause he had no PITY.” ---- I don’t say, Sir, You  
 are the MAN : ---- but does not the Thing, as uncon-  
 testably stated in the first Part of this most humble  
 address, prove it? For is there any *Difference* in the  
*Injustice*, “ between a Man’s making use of his Power  
 “ to take away any Thing from another by Force,” and,

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(a) Hoadley’s *Terms of Acceptance*, p. 106.

(b) Micah, ch. ii. v. 1, 2, 3.

“ after agreeing for a *Price* for it, making use of his  
 “ *Power* not to *pay* it ? ” ----

*Sir*, I have thus far travell'd in Company with you, whilst I have considered the Relations of *Men*, *Englisbmen*, and *Christians*; Relations, notwithstanding the great Disparity of our Conditions, in other Respects, *in common* to us *both*. I must here humbly take my Leave of you; I can keep you Company no longer. I am neither “ Knight of the Garter, Chancellor of the Exchequer, First Lord Commissioner of the Treasury, Member of Parliament, Privy Counsellor, nor Prime Minister.”

I know not what the *Obligations* of the *Order* of the *Garter* are; but, as it is the Emblem of the highest Honour the King can confer, that can be worn by a *Subject*, the highest *Obligation* most certainly lies on the *Wearer* of it to do *Justice*; for what is *Honour* but the *Reflection* of *Virtue*?

As *Chancellor* of the *Exchequer*, *Sir*, you are a *Judge*, and a Judge in Equity; and, “ *Turpe est Doctori cum culpa redarguat ipsum*,” may be as pertinently said of a Judge, as of any *Doctor* whatever. ---- I had the Pleasure, *Sir*, of hearing you once discharge this great and important Trust; and you did it in such a Manner, as you can do every Thing, if you please, as delighted not only myself, but, I question not, all that heard you. The *Justice* was so *apparent* of your *Decree*, the Words so eloquent, and the Manner so graceful in speaking them. It was in the Cause, *Sir*, between the *East-India Company* and *Mr. Nash*. One Reason on which you founded your Decree, as yourself and others may very well remember, was, Because there was no *Surprise* in the *Case*. ---- Which when I heard ---- Oh thought I, how sagacious is this *Noble Person* in *this Case*, and how blind in his *own*! ---- Was there ever, *Sir*, a Case in which there was more Deliberation, and *less* Surprise, than when you took on you the Obligation I complain you have not answered, in the Audience you were pleased to honour me with at *Chelsea*?

As you *preside* in the *Treasury*, you have great Opportunities to *discharge* your *Obligations*; and, to do Honour to so high a Trust, ought to incline you to do it on every Occasion. ----- One Year's *Perquisites* would go a good Way to make me amends for the *Time to come*, tho' *nothing* can for what I have suffered for the *Time past*, from the neglect of it.

As a *Member* of the *House of Commons*, Sir, the Matter is by much more important. I hope the *honourable House* will pardon me, if I here presume to say, what I have often thought, if any private *Member*, out of his extreme Love to Justice, without the Formality of a *Petition* from myself, should have produced my *printed Case*, with my Name to it, in the *House*, and taking his Opportunity, had asked you, or if the *Form* required it, desired the *SPEAKER* to ask you, "Whether the *Charge* there brought against you " was *true* or *no*?" ---- and on your not *denying* it, which I dare say you would not, ---- What might be the Consequence? ---- Indeed, in your own *Case* you do say, "That no Man ought to be *censured* there " for what he does not do, as a *Member* of the " *House (a)*;" But frequent *Instances* to the contrary have shewn what Honour *Gentlemen* have for themselves, and what a *Debt* was due to the Honour of so *illustrious* a *Body*. ---- I have been so bold as to make this *Insinuation*, because I know the Matter, there, might be easily *healed*, by your *declaring*, "you would " take my *Case* into Consideration, and *do me* Justice.

As a *Privy-Counsellor*, Sir, besides other *high Distinctions* of that great Trust, "you are a *Judge*," and if the "Judge of all the Earth doth right," should not those, whom, for the Resemblance they bear to himself in the Eminency of their *Power*, he has honour'd with his own *Appellation*, and stiled *Gods*, study to resemble him in the *upright Use* of it? It is, no Doubt, because you should do so, that at the very same Time this great Honour is paid you, "you are

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(a) Vide *Case of Mr. Walpole*, p. 36.



"admonished that you are but *Mortals*, like the  
 "lowest of your *Brethren*, and are to *die* like them."

*These*, Sir, which I have hitherto instanced in, are all *legal* Characters that adorn you; and to which, as one knows their *stated* Bounds, Exemptions, and Prerogatives, a Man may *speak*: ---- But as to the *remaining* Character, under the *Weight* of which you have so long *laboured*, I mean, that of *Prime Minister*, I am, indeed, at a Loss what to say to it. It is an *Office* not known in our *Constitution*; not made the least mention of in any of our *Law* Books. Lord *Coke* has not such a Word in all his four *Institutes*, nor his thirteen *Reports*; nor is it to be found in any *Act* of *Parliament* from *Magna Charta* down to this Time. And yet, Sir, it is a *Character* you are so eminently invested with, by *common Fame*, that there is no doing you *Justice*, without *considering* you under it. ---- But let its high Prerogatives be what they will, I suppose a *Prime Minister* in a *free* Country cannot have a Power, which his *Royal Master* has not, whom he, in so august a Manner, *represents*. And I have shewn, that no *Law* allows our *Sovereigns* to do *Injustice*; and that neither his present *Majesty*, nor his *Royal Father*, ever assumed to themselves the Power of doing it. ---- What Privilege then can the greatest Subject have in this Respect? --- And yet, Sir, I am afraid it has been entirely owing to some imagined or taken-up *Exemption* of this unknown *Office*, by which I have suffered. You, who have possess'd it so long, know best the *Extent* of its *Privileges*. --- Say, Sir, is your *Will* the *Law*, by Virtue of its *Distinction*? Does it *invest* you with a *Prerogative* of *humbling* your superior Fellow-Subjects at Pleasure? --- I have, indeed, myself, heard a *Lord High Chancellor* of *Great Britain* say, "Sir ROBERT WAL-  
 "POLE is our MASTER;" --- but did not presume to ask *whose* MASTER you were besides his own; being too much ashamed to hear, from so *genuine* an Authority, you were his *Lordship's*. --- Is it by Virtue of this *unknown* Office of *Prime Minister* that you were so? And does it, really, extend its Power to the "de-



“priving a *meaner* Man of a *Right*, stipulated for,  
 “paid for, acknowledged, and *signed* and *sealed* to,  
 “by your conforming to it, and exempt you from  
 “*justifying* yourself on so apparent an Irregularity?  
 “or if that is not in your Power, making Repara-  
 “tion?”

If it *does*, please, *Sir*, to *shew* THE *Authority* for it. If it does *not*, the *Obligation* you lye under to me, remains in full *Force*, both as to the original *Debt* and *Damages* I have sustained, to the utter subversion of my *true* Fortune, by your not *performing* it.

AND now, *Sir*, here is the CONCLUSION of my *Affair* with you, on my Side; and sorry am I that I should have had Occasion to say so much. --- But will not the Subject bear me out, to all Persons of Honour and Disinterestedness? It is incredible, *Sir*, were I to tell you, what Reason I have had given me to triumph on this Head. I may truly say, after the *strongest Prejudices* to the contrary, “*Veritas est magna, & prevalebit.*” I mean, *Sir*, as to the Opinion of the *Justness* of my *Cause*, and the great Reason I had to complain, and that my *Affair* has nothing of the *ministerial Promise*, but the Nature of a *plain Agreement*, undeniably *unfulfill’d* on your Part. --- What your CONCLUSION will be, *Sir*, I leave freely to you, --- after having done all that lay in my Power to establish my *Right*, and shewn that you have no *Exemption*, at all, belonging to you, from *Reason*, *Authority*, or *Law*, not to answer an *Obligation* that is so plainly proved upon you, --- the Rest must be left to *yourselves*. --- But I can’t but acquaint you that I am extreamly teaz’d with a *Question* that belongs to you, *Sir*, and wherein you are much more concern’d, as I humbly apprehend, than *myself*, viz. But, “*What will you have? What will you get?*”

In answer, *Sir*, to this *Question*, --- My *Interest* is only concern’d, but your *Honour*. What *Disproportion* between these two? Say, *Sir*, is *Interest* Honour, or Honour *Interest*? --- I might here, *Sir*, give you a  
 Cast

Cast of my *Office*, and *show away* on the *Beauties* of the *one*, and the *Deformity* of the *other*, when they at any Time *interfere*. ---- But this, I am sure, would be a "*Sus Minervam*," with a *Witness*, when *addressing* myself to you.

I *forbear*, therefore. And shut up with making only this one *Observation*, "That *untill* you do discharge "the *Obligation*, in question, I have *your* HONOUR "in my *Custody*," as you have long had, and still have MY *genuine* FORTUNE in YOURS.

DIXI.

R. W.

F I N I S.

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*Quid faciant Fures Domini cum Talia audent?*

VIRG.

*By the Statute of Edward 3. Justices of Peace must be good Men and Lawful. No Maintainers of Evil, but moderate in the Execution of the Laws. For Magistrates are Men, and Men have always attending on them two Ministers, Libido et Iracundia. Men of this Nature do SUBJUGATE the free Subject.*

*Mr. Bond's Speech in Parliament.*

*Townsend's Collection, p. 275.*

*Let not your Good be Evil spoken of. Rom. xiv. 16.*

VIII. CHARACTERS at the Hot-Well, BRISTOL, in September, and at BATH, in October, 1723.

*Dulce est desipere in loco. HOR. (Out of Print.)*

*"The*



“ *The following Treatise was writ by Mr. Whatley,*  
 “ *according to the Title of it, when, in Appearance,*  
 “ *he was a Student of the Law, but, in Reality, ap-*  
 “ *plying his Thoughts to the Consideration of what he*  
 “ *was, in Nature, in 1713.*”

IX. A Letter to a *Bencher* (Sir Peter King) of  
 the *Inner-Temple*, from a *Student* of the same House,  
 in *October, 1713*, printed in 1729, “ on the Nature  
 “ and End of *Being*.”

*Discite, O Miseri, & rerum cognoscite Causas,*  
*Quid sumus, & quidnam Victuri gignimur - - -*  
*- - - - - Quem te DEUS esse*

*fussit - - - - -* Price 1 s.

N. B. “ I don’t presume to recommend the *forego-*  
 “ *ing* Treatise itself to the *Reader*, but I do the  
 “ *Quotations* that are at the End of it, ‘To all  
 “ *Students* in the *University*, and *Inns* of *Court*,  
 “ and, if I might have Leave to add, to all young  
 “ *Officers* in the *Army*, that have not forgot their  
 “ *Latin*.”

N. B. *All the Author’s Pieces are to be had also at*  
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P. S.

*Next Winter, God willing, will be published,*

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 Collection of occasional Reflections set down as they  
 occur’d to his Mind.

- - - - - *Nec te quæsieris extra.* HOR.  
 - - - - - *Neque enim cum Lectulus aut me*  
*Porticus exceperit desum mihi --- Hæc ego Mecum.* IB.











